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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,130	07/19/2006	Henk Hendrik Bernard Holsheimer	502388-858	7642
29540	7590	09/02/2009		
DAY PITNEY LLP 7 TIMES SQUARE NEW YORK, NY 10036-7311			EXAMINER NICONOVICH, ALEXANDER R	
			ART UNIT 3711	PAPER NUMBER
			MAIL DATE 09/02/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/565,130

**Applicant(s)**

HOLSHEIMER ET AL.

**Examiner**

ALEXANDER R. NICONOVICH

**Art Unit**

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-893)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 1/18/06

**DETAILED ACTION**

***Claim Objections***

1. Claims 1-6 are objected to because of the following informalities: characterised should be spelled characterized. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Bach US Pat. No. 6,736,691.

Bach teaches:

In Reference to Claim 1

A toy building element with coupling studs ('31' of Fig. 5) and/or skirts ('32' of Fig. 5) that are complementary therewith for interconnection with other toy building elements provided with corresponding coupling studs and/or coupling skirts, the interconnection taking place in the axial direction of the coupling studs and/or coupling skirts (Figs. 6-8), said toy building element comprising a top element ('30b' of Fig. 6, 8) and a bottom element ('30a' of Fig. 6, 8) that can be interconnected by means of integral coupling means that are releasable exclusively by rotation about an axis in parallel

with the axial direction of the coupling studs ('31' of Fig. 5, 6) and/or the coupling skirts ('32' of Fig. 5-8), characterized in that the toy building element further comprises at least one intermediate element ('20' or '30c' of Figs. 7-8 when all three blocks '30a-c' are all combined (not shown in figures but could easily be combined) could also be added to show 3 blocks wherein the middle piece '30b' is the intermediate element), said top element being interconnectable with an upper end of the intermediate element (as shown in Figs. 7-8), while the bottom element can be interconnected with a lower end of the intermediate element (as shown in Figs. 7-8).

In Reference to Claim 2

A toy building element according to claim 1 as rejected above and characterized in that the coupling means are a bayonet coupling (edge '42' and bead '23' of Figs. 7-8).

In Reference to Claim 4

A toy building element according to claim 1 as rejected above and characterized in that the top element is provided with upwardly projecting coupling studs ('31' of Figs. 6-8), while the bottom element is provided with coupling skirts ('32' of Fig. 6-7).

In Reference to Claim 5

A toy building element according to claim 1 as rejected above and wherein the intermediate element (middle of three combined blocks as explained above) is configured as an upwardly open container (recesses '32' as configured in Fig. 8 (this would only show the top element and intermediate element when three blocks are used) with a bottom at its lower end (solid striped portion on bottom of block '30c' of Fig. 8).

In Reference to Claim 6

A toy building element according to claim 5 as rejected above and wherein the bottom on the bottom face (solid striped portion on bottom of block '30c' of Fig. 8) is provided with downwardly projecting coupling studs ('31' of Fig. 8).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bach as applied to claim 1 above and further in view of Petersen et al. Pat. No. DK 1999 01549.

In Reference to Claim 3

Bach teaches:

A toy building means according to claim 1 as rejected above.

Bach fails to teach:

Wherein the coupling means are threaded.

Petersen teaches:

A building block (same body as Bach above) with threaded coupling means to connect the elements ('13' and '44' of Fig. 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the blocks of Bach to have substituted the bayonet coupling means with the threaded coupling means as taught by Petersen as an alternatively equivalent coupling means as the threaded couplers of Peterson may provide a more secure connection between the elements.

It would have been further obvious to one having ordinary skill in the art at the time the invention was made to have substituted the bayonet coupling means of Bach with the threaded coupling means of Petersen since the examiner takes Official Notice of the equivalence of bayonet couplers and threaded couplers for their use in the art and the selection of any of these known equivalents to connect multiple elements would be within the level of ordinary skill in the art.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEXANDER R. NICONOVICH whose telephone number is (571)270-7419. The examiner can normally be reached on M-F 7:30 a.m. - 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. R. N./  
Examiner, Art Unit 3711

/Kurt Fernstrom/  
Primary Examiner, Art Unit 3711